

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA

DOLLY SMOLNIK, INDIVIDUALLY AND AS
PERSONAL REPRESENTATIVE OF THE
ESTATE OF RONALD SMOLNIK

PLAINTIFFS

v. No. 04-CV-401

THOMAS VAN DYKE AND SUE VAN DYKE,
INDIVIDUALLY AND D/B/A RANCH MOTEL
AND STORAGE

DEFENDANTS

ORDER

On the 24th day of October 2006, this matter came on for trial to a duly selected jury consisting of twelve members, the Honorable Robert T. Dawson presiding. On October 26, 2006, the case was submitted to the jury on interrogatories and a unanimous verdict was reached as to each interrogatory as follows:

INTERROGATORY NO. 1: THAT RONALD SMOLNIK WAS AN EMPLOYEE ENGAGED IN COMMERCE?

ANSWER YES OR NO: NO

INTERROGATORY NO. 2: THAT THE DEFENDANTS FAILED TO PAY RONALD SMOLNIK THE MINIMUM WAGE AND/OR OVERTIME PAY REQUIRED BY LAW?

ANSWER YES OR NO: NO

INTERROGATORY NO. 1: THAT DOLLY SMOLNIK WAS AN EMPLOYEE ENGAGED IN COMMERCE?

ANSWER YES OR NO: NO

INTERROGATORY NO. 2: THAT THE DEFENDANTS FAILED TO PAY DOLLY SMOLNIK THE MINIMUM WAGE AND/OR OVERTIME PAY REQUIRED BY LAW?

ANSWER YES OR NO: NO

Based upon these responses, the jury was not required to answer the remaining interrogatories that were submitted to them.

Plaintiffs' counsel has ten days from the date of this order to file a brief outlining any position as to why the jury's verdict should not be adopted and entered as the Order of the Court. Defendants' counsel may file a response within five days of the filing of Plaintiffs' brief. A final judgment will then be entered by the Court with each party to bear their own respective costs and fees.

IT IS SO ORDERED.

/s/ Robert T. Dawson
Honorable Robert T. Dawson
United States District Judge